

## **TEXAS NATURAL RESOURCE CONSERVATION COMMISSION VOLUNTARY CLEANUP PROGRAM APPLICATION INSTRUCTIONS**

The information provided on the Voluntary Cleanup Program (VCP) application will be used to determine an applicant's eligibility for participation in the VCP. It is imperative that the application be fully complete and accurate, otherwise the application will be rejected. The application also provides information as to site conditions. The application assumes that a Phase I Environmental Site Assessment or similar investigation has already been performed at the site.

### **General Information**

This provides site specific information and should be completed in the greatest detail possible.

### **Applicant(s)**

Applicant A is generally considered the person requesting the Certificate of Completion and agreeing to pay agency oversight costs. If billing should be directed to another person or address, be sure to provide this information along with written proof of their consent.

If a person who is not a responsible party intends to purchase the property before the Certificate of Completion is issued, then the person should be either the sole applicant or an additional applicant (see §361.610(a), Solid Waste Disposal Act [SWDA]). There may be others who also wish to be applicants, such as lenders. All future owners and future lenders on the date of issuance of a Certificate of Completion who were not responsible parties under §361.271 or §361.275(g), are qualified to obtain the protection from liability provided by §361.610, Subchapter S, SWDA (see Health and Safety Code, Section 1, Chapter 361).

Along with the applicants name and address, also describe their interest in the property (e.g., owner, tenant, potential purchaser, lender, etc).

### **Current Property Owner**

If the current owner is not included as an applicant, then provide the requested information for the current property owner.

### **Other Contacts**

If others are involved in the voluntary cleanup, such as an environmental consultant or legal representative, provide the requested information for this person. This should be (in the applicant's determination) the person with the greatest capability to provide site specific information or make decisions related to the voluntary cleanup.

## **Billing Information**

If the billing is to be directed to someone other than Applicant A, provide the requested information and have the person sign, indicating their consent to payment of the Texas Natural Resource Conservation Commission (TNRCC) oversight costs.

## **Current Property Use**

Check the correct category or provide a more appropriate description under "other". If the property is divided into more than one use category, indicate this by providing the percent of the land area used for each land use category.

## **Involvement with Other Regulatory Programs**

Describe in detail any contact with any state or federal regulatory program. Please provide names and dates, contacts, and any actions taken as a result of these contacts. It is especially important to describe any order, notice of violations, permits, or inspections related to the site, as this may directly impact the eligibility of the site for participation in the VCP. No site which is under a TNRCC permit or order is eligible to participate in the VCP. If there has been no prior contact with any state or federal environmental regulatory agency indicate this clearly. This section must not be left blank.

## **Applicant's Intended Response Action Objectives**

This section is requesting information about the applicant's intentions related to the site cleanup. The applicant is not required to make this decision this early in the process; however, if the applicant has made this determination it will make completion of the VCP agreement easier. Please check the appropriate selection.

## **Environmental Assessment**

A copy of the Phase I Environmental Site Assessment or similar investigation should be submitted with the completed application. The assessment should be of sufficient detail to fulfill the requirements of House Bill 2296 that was codified in the SWDA, Sec. 361.604 (c)(1)-(5). At a minimum, the document should identify all areas of known or suspected contamination that will be addressed by the voluntary cleanup application and agreement. Specifically, the Phase I Environmental Site Assessment should include but is not limited to the following items:

1. A legal description of the site, including a site map;
2. A description of the physical characteristics of the site;
3. A discussion of the operational history of the site to the extent the history is known by the applicant;

4. Information of which the applicant is aware concerning the nature and extent of any relevant contamination or release at the site and immediately contiguous to the site, or wherever the contamination came to be located; and
5. Relevant information of which the applicant is aware concerning the potential for human exposure to contamination at the site.

A detailed explanation of the these items is presented below.

#### Legal Description of the Site

A legal description of the property or partial response area should be prepared for the site. Although the legal description does not have to include a survey performed by a licensed surveyor at the time of application, the description should provide adequate detail such that the areal extent and location of the site is obvious. Include a site map which clearly indicates property boundaries and is of such a scale to include surrounding properties. It may be necessary to include two maps of different scale, but a map should indicate the site location relative to the intersection of two major roads.

Prior to issuance of the Certificate of Completion a legal description and a map of the property prepared and sealed by a Registered Public Land Surveyor in the State of Texas will be necessary to describe the specific area to which the Certificate of Completion and corresponding environmental liability release will apply. A separate survey and map should be performed for off-site properties which wish to receive the Certificate of Completion.

#### Physical Characteristics of the Site

The physical characteristics of the site should be described using a map illustrating site features. The site map should depict the following: property lines, building and road outlines, potential source areas (i.e., chemical storage areas, above and below ground tanks, process equipment, loading/unloading areas, waste treatment, storage or disposal areas), surface water bodies, water supply wells, and utility right-of-way. In addition, a map should be prepared that illustrates the adjacent properties and identifies the land use (i.e., commercial or residential).

#### Summary of Operational History

A summary of the historical and current business operations should be prepared for the response action area with an emphasis upon identifying possible contaminant source areas.

The summary should include a list of the potential source areas and a discussion of the types of contaminants for each of the potential source areas if known. A map should be included that clearly identifies known or suspected primary source areas (process area, product storage, etc.) and secondary source areas (contaminated soils).

#### Nature and Extent of Contamination

To the degree the nature and extent of contamination is known at the time of application to the VCP, this information should be made available to the TNRCC. At a minimum, a site map should be prepared illustrating known or suspected areas of contamination. Please consult the TNRCC voluntary cleanup guidance for preparation of a site investigation report if the Phase I Environmental Site Assessment has been followed up by Phase II Sampling Activities.

#### Potential for Human and Environmental Exposure

Discuss potential exposure and risk to human health and the environment presented by known or suspected contamination in the response action area. Highlight any areas that may require immediate action.

### **How Long Does it Take to Process Applications?**

Applications will be processed in less than 45 days. If an application is rejected because it is not complete or accurate, the TNRCC will provide the applicant with a list of information needed to make the application complete or accurate. An applicant may resubmit an application without submitting an additional application fee. As per §361.605© SWDA, the TNRCC will refund half of the application fee if the application is rejected unless the applicant indicates a desire to resubmit a corrected application.